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REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO PARAGRAPH 4 OF SECURITY COUNCIL RESOLUTION 981 (1995)

I. INTRODUCTION

1. In paragraph 4 of its resolution 981 (1995) of 31 March 1995, the Security Council requested me to continue my consultations with all concerned on the detailed implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, as set out in paragraph 3 of that resolution, "and to report to the Council not later than 21 April 1995 for its approval". The present report is submitted pursuant to that request.

2. Prior to the adoption of Security Council resolution 981 (1995), I had requested Mr. Thorvald Stoltenberg, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, acting as my Special Envoy, to carry out consultations on the mandate. My Special Envoy had meetings with representatives of the Government of Croatia and of the local Serb authorities. Following the adoption of resolution 981 (1995), he continued his consultations and met with all concerned, including military authorities on both sides. The consultations have been carried out in close contact with my Special Representative for the Former Yugoslavia, Mr. Yasushi Akashi, and the Force Commander of the United Nations Peace Forces in Zagreb, Lieutenant-General Bernard Janvier.

II. BASIS OF DISCUSSIONS

3. The basis for the consultations has been paragraph 3 of resolution 981 (1995), and the documents referred to therein, namely:

(a) Report of the Secretary-General (S/1995/222 and Corr.1 and 2), particularly paragraph 72;

(b) United Nations peace-keeping plan for the Republic of Croatia (S/23280, annex III);

(c) Relevant resolutions of the Security Council;

(d) Cease-fire agreement of 29 March 1994 (S/1994/367);

(e) Economic agreement of 2 December 1994 (S/1994/1375).

4. The consultations have also been based on the assumption that the deployment of UNCRO and its operations will require the cooperation of all concerned.

III. CONSIDERATIONS

5. Following his consultations with political and military leaders representing the Government of Croatia and the local Serb authorities, my Special Envoy has recommended the implementation of Security Council resolution 981 (1995) along the lines set out below.

6. My Special Envoy has, in pursuance of his mandate, concentrated his efforts on the tasks to be carried out and on the methods by which they would be implemented. In the light of the serious political differences between the Government of Croatia and the local Serb authorities, it is his view that a pragmatic approach is the only way in which the support and cooperation required for implementation of the new Operation's mandate can be obtained.

7. The plan meets the objective of implementing a new mandate with fewer personnel. In the course of his consultations, my Special Envoy repeatedly reminded his interlocutors of the concerns of the troop-contributing countries, whose evaluation of the plan will be decisive for their readiness to contribute personnel to the Operation.

8. My Special Envoy also emphasized that cooperation by the authorities concerned and their continuing commitment to existing agreements are prerequisites for obtaining assistance from the United Nations and for the effective implementation of the tasks assigned to the new Operation.

9. With regard to the new Operation's tasks at the international borders, my Special Envoy has carefully considered the differing views expressed in the course of his consultations. He emphasized the importance of defining precise modalities of implementation which can obtain the cooperation of all concerned, which take into account the safety and security of the troops and which remain strictly within the framework of the tasks assigned.

10. Finally, my Special Envoy has strongly emphasized that the United Nations can only assist in solving the conflict. It is up to the Government of Croatia and the local Serb authorities to make the decisions and pursue the policies required to achieve a peaceful solution. Progress will ultimately require direct contacts and constructive cooperation between those specifically involved.

IV. PLAN FOR THE IMPLEMENTATION OF THE MANDATE OF UNCRO

11. The plan proposed to me by my Special Envoy, following his consultations, is based on the six main tasks identified for UNCRO in paragraph 3 of resolution 981 (1995). They are described in the following subsections.

A. Performing fully the functions envisaged in the cease-fire agreement of 29 March 1994 between the Republic of Croatia and the local Serb authorities (S/1994/367)

Functions

12. In accordance with the functions envisaged in the cease-fire agreement of 29 March 1994 UNCRO will:

(a) Monitor the area between the forward troop deployment lines, which are the lines of separation agreed to in the cease-fire agreement;

(b) Verify that all weapons systems specified in the agreement are deployed in accordance with its provisions. This refers to heavy weapons deployed beyond the 10-kilometre and 20-kilometre lines and in weapons storage sites;

(c) Occupy checkpoints at all crossing-points specified in annex A to the agreement;

(d) Chair the Joint Commissions at all levels;

(e) Conduct the liaison activities required to ensure the implementation of the agreement.

Implementation

13. In order to perform these functions fully, UNCRO will have exclusive control of the area between the forward troop deployment lines and will establish static posts as well as carrying out patrols on foot, by vehicle and by helicopter. UNCRO will also have full freedom of movement to monitor the deployment of troops and weapons systems as specified in the cease-fire agreement.

14. Because of the reduced number of troops available to UNCRO, the commitment of all concerned to the cease-fire agreement will be decisive for UNCRO's ability to perform its functions fully while ensuring the safety of its troops.

15. The functions envisaged in the cease-fire agreement will be implemented in the following way:

(a) Static observation posts and checkpoints will be established by UNCRO in the areas most vulnerable to conflict and at locations where they are required to support patrolling activities and ensure the safety of the monitoring force;

(b) UNCRO will man all the crossing-points specified in annex A to the cease-fire agreement to ensure access for transit, resupply, humanitarian assistance, etc., as well as the crossing of civilians;

(c) Patrols on foot, by vehicle and by helicopter will be conducted between and around these static UNCRO positions;

(d) Static and mobile patrols as well as helicopter patrols will be carried out in order to monitor compliance on both sides with the provisions of the cease-fire agreement related to specific weapons systems;

(e) Mine clearance will be conducted within the area between the forward troop deployment lines in accordance with established principles; UNCRO personnel will supervise and assist relevant authorities in the clearing of mines;

(f) Civilian police monitors (CIVPOL) will supervise the local police which, under the cease-fire agreement, is obliged to assist UNCRO in the prevention of crime and maintenance of law and order in the area between the forward troop deployment lines;

(g) CIVPOL will patrol the area between the forward troop deployment lines in order to enhance confidence and identify policing requirements;

(h) UNCRO will chair Joint Commissions at all levels;

(i) UNCRO will conduct liaison activities with military and police authorities at all levels.

B. Facilitating implementation of the economic agreement of 2 December 1994 concluded under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (S/1994/1375)

Functions

16. In order to advance the process of reconciliation and the restoration of normal life, UNCRO will:

(a) Facilitate and support the opening of transportation networks, as well as of water and energy facilities, within the limits of its resources;

(b) Support the negotiation and implementation of further economic and humanitarian measures which are included in the economic agreement or which may be agreed in subsequent negotiations.

Implementation

17. UNCRO will implement these functions in the following way:

(a) A security presence will be provided for the repair, opening and functioning of the networks and facilities mentioned above;

(b) Administrative, technical, logistic and engineering advice and support will be provided;

(c) UNCRO will supervise mine-clearance activities required to restore, open and operate the networks and facilities mentioned above;

(d) UNCRO will co-chair with the International Conference on the Former Yugoslavia the Joint Commission established by the economic agreement;

(e) UNCRO will coordinate the implementation of economic projects agreed in negotiations.

C. Facilitating implementation of all relevant Security Council resolutions, including the functions identified in paragraph 72 of the above-mentioned report (S/1995/222 and Corr.1 and 2)

18. The Security Council resolutions referred to in subparagraph 3 (c) of resolution 981 (1995) are taken to include those relevant to the functioning of UNCRO (freedom of movement, security, self-defence, including close air support) and those directly relevant to the mandate set out in paragraph 3 of that resolution.

Functions

19. In order to maintain conditions of peace and security and to restore confidence, thereby also facilitating the negotiation of a political solution, UNCRO will:

(a) Provide assistance to needy individuals and communities (Croat, Serb and others), in cooperation with international agencies;

(b) Monitor the human rights situation of individuals and communities (Croat, Serb and others) to ensure that there is no discrimination and that human rights are protected;

(c) Facilitate the voluntary return of refugees and displaced persons (Croat, Serb and others) in accordance with established international principles and in coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR);

(d) Support local confidence-building measures, including socio-economic and reconstruction activities, people-to-people contacts and information exchanges of mutual benefit.

Implementation

20. UNCRO, through military, civilian and CIVPOL personnel, as appropriate, will implement the above-mentioned functions in the following way:

Humanitarian tasks

(a) Humanitarian aid will be distributed in conjunction with UNHCR and other international and non-governmental organizations;

(b) UNCRO will assist medical evacuations, prisoner exchanges, family and humanitarian visits and transfers and coordinate responses to emergency humanitarian situations;

(c) UNCRO will facilitate the primary role of UNHCR with regard to the travel of refugees, through territory in which UNCRO is deployed, to refugee camps and holding centres;

(d) UNCRO will supervise the clearance of mines by the parties when needed to meet humanitarian requirements;

Human rights

(e) UNCRO will contribute to deterring human rights abuse by maintaining an overall presence; closely monitor and co-locate with local police forces; monitor judicial institutions to enhance respect for human rights; seek corrective action in case of human rights abuses; and provide an operational link to human rights bodies;

(f) UNCRO will monitor and protect the welfare and human rights of people in villages of particular sensitivity;

Return of refugees and displaced persons

(g) Appropriate support will be provided to UNHCR for the voluntary return of refugees and displaced persons to their homes in conditions of safety, security and dignity and in accordance with established international principles;

Confidence-building

(h) UNCRO will promote local economic, social and reconstruction projects of mutual benefit and support the negotiation and implementation of such projects;

(i) UNCRO will promote people-to-people contacts, including humanitarian, media, local, commercial and administrative exchanges, and be available to provide security to those activities where appropriate.

D. Assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons, over the international borders between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO is responsible, as specified in the United Nations peace-keeping plan for the Republic of Croatia (S/23280, annex III)

Functions

21. UNCRO will carry out these monitoring and reporting functions at designated border crossing-points. Traffic crossing over the international borders will be monitored for military personnel, equipment, supplies and weapons. All information concerning the movement of military personnel, equipment, supplies and weapons will be reported to the Security Council through the Secretary-General.

Implementation

22. The above-mentioned functions will be implemented in the following way:

(a) UNCRO will carry out its tasks at designated border crossing-points by deploying with a strength sufficient to perform these tasks and maintain troop safety and security. These deployments will include a number of permanent and temporary border crossing-points;

(b) All vehicles and personnel will stop at the border crossing-points. They will be visually checked in order to verify whether they carry military personnel, equipment, supplies and weapons;

(c) In cases where military personnel, equipment, supplies and weapons are detected, UNCRO will give notice that the crossing of such personnel and items would be in violation of Security Council resolutions and will be reported to the Security Council;

(d) UNCRO will compile any information on the crossing of such personnel and items and report this information to the Security Council through the Secretary-General.

E. Facilitating the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia

Functions

23. UNCRO's tasks will be concentrated on providing advice and assistance to agencies involved in international humanitarian deliveries to Bosnia and Herzegovina through the territory of Croatia.

Implementation

24. To implement these functions, UNCRO will:

(a) Facilitate convoy clearances from the Government of Croatia and from the local Serb authorities;

(b) Facilitate route clearances from the Government of Croatia and the local Serb authorities;

(c) Escort humanitarian convoys as required for their security and protection;

(d) Maintain routes when required and within the limits of its resources.

F. Monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992)

Functions

25. In order to monitor the demilitarization of the Prevlaka peninsula, United Nations military observers will patrol and maintain a permanent presence on the most southerly portion of the peninsula. They will also monitor the area 5 kilometres on either side of the border and report on the presence of any military forces.

26. Full freedom of movement, including freedom of access into and out of the areas, will be essential.

27. This task will continue, as at present, to be performed by unarmed military observers only. It will require the cooperation of both sides and their commitment to demilitarization.

Implementation

28. The functions will be carried out as follows:

(a) United Nations military observers will patrol and sustain a continuous presence in the vicinity of the Prevlaka/Ostra peninsula;

(b) United Nations military observers will monitor the area 5 kilometres on each side of the border between BN 898149 and BN 966998 by patrolling;

(c) Liaison activities will be conducted with the military and civil authorities of the parties at all levels in order to resolve violations or disputes;

(d) Theatre headquarters (UNPF-HQ) will convene the Joint Inter-State Commission to mediate and resolve any disputes that are beyond the competence of a lower level of authority.

V. RESOURCE REQUIREMENTS

29. My Special Representative and the Theatre Force Commander at the United Nations Peace Forces headquarters (UNPF-HQ) have analysed the functions and responsibilities enumerated in sections IV.A to F above and assess that an overall total of some 8,750 troops would be required for their implementation, on the assumption that the military and civilian staff of the operation will enjoy the necessary cooperation of all concerned. The troops will be deployed in accordance with operation requirements determined by UNPF-HQ and UNCRO. The requirements for civilian staff, United Nations military observers and CIVPOL, as well as administrative and logistical support elements, will be submitted to the Advisory Committee on Administrative and Budgetary Questions in the context of an overall budget submission for UNPF-HQ, UNCRO, the United Nations Protection Force (UNPROFOR) and the United Nations Preventive Deployment Force (UNPREDEP), in accordance with the recommendation made in paragraph 84 of my report of 22 March 1995 (S/1995/222). It is expected that the strength of the United Nations forces currently in Croatia can be reduced to the proposed level of 8,750 and their deployment completed by 30 June 1995.

VI. STATUS-OF-FORCES AGREEMENT

30. In accordance with paragraph 11 of resolution 981 (1995), discussions have been pursued with the Government of Croatia concerning a status-of-forces agreement for the presence of UNPF-HQ, UNCRO and, for a transitional period, UNPROFOR, on its territory, as well as for the use of Croatian territory for the support of UNPROFOR in Bosnia and Herzegovina and UNPREDEP in the former Yugoslav Republic of Macedonia. Difficulties have arisen as a result of demands by the Croatian authorities which are incompatible with the model status-of-forces agreement (A/45/594 of 9 October 1990) and with Security Council resolutions 908 (1994) and 981 (1995).

31. On 1 April 1995, my Special Representative wrote to the President of Croatia referring to paragraph 11 of resolution 981 (1995) and requesting an early meeting of representatives to finalize the matter. Following a meeting on 10 April, UNPF-HQ forwarded a draft agreement to the Croatian authorities on 14 April. A further meeting is expected to take place in the course of the current week.

VII. OBSERVATIONS

32. In spite of serious differences of approach, my Special Envoy's assessment is that there is enough common ground between the Government of Croatia and the local Serb authorities to make it possible to implement resolution 981 (1995). The cease-fire agreement provides a level of stability on the basis of which negotiations and efforts of reconciliation can take place. The economic agreement will, when fully implemented, provide an essential contribution to the normalization of life and the restoration of confidence. These two agreements are pillars of common interest which can reinforce the future process of reconciliation and normalization for the people living in this area. In this regard, I lay special emphasis on measures intended to provide protection and to

advance the process of reconciliation as well as the new Operation's ability to promote such measures.

33. The situation on the ground is volatile. Without the requisite sense of responsibility on the part of all concerned, it could quickly deteriorate further. However, in spite of these circumstances and the serious political differences which continue to exist, both the Government of Croatia and the local Serb authorities are aware that the alternative to this plan would be more violence and a resumption of war.

34. As was to some degree the case in February 1992 when UNPROFOR was originally established, the plan set out above does not have the formal acceptance and full support of either the Government of Croatia or the local Serb authorities. The risk therefore remains that either or both sides will fail to cooperate with the United Nations in its implementation. In these circumstances, it is not without misgiving that I present these proposals to the Council. On the other hand, the proposed plan provides for a pragmatic implementation of paragraph 3 of Security Council resolution 981 (1995) and the alternative to its adoption would be the withdrawal of United Nations forces and the resumption of war. If the two sides seriously wish to avoid a renewal of the conflict, it is up to them to provide the necessary conditions for the new Operation to discharge its responsibilities successfully.

35. I therefore recommend that the Security Council approve the arrangements set out in the present report and authorize the deployment of UNCRO to implement them.